

2012 No. 1274

EDUCATION, ENGLAND

**The Education (School Performance Information) (England)
(Amendment) Regulations 2012**

<i>Made</i>	- - - -	<i>14th May 2012</i>
<i>Laid before Parliament</i>		<i>18th May 2012</i>
<i>Coming into force</i>	- -	<i>8th June 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 537A(1) and (2) and 569(4) of the Education Act 1996(a).

Citation and commencement

1. These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 2012 and come into force on 8th June 2012.

Amendment to the Education (School Performance Information) (England) Regulations 2007

2.—(1) The Education (School Performance Information) (England) Regulations 2007(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the 2002 Act” insert—

““the 2004 Order” means the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(c);

(b) for the definition of “the Document” substitute—

““the Document” means the document entitled “Assessment and reporting arrangements Key Stage 1” published by the Secretary of State under article 9 of the 2004 Order;” and

(c) after the definition of “P-level” insert—

““the Phonics Document” means the document entitled “Assessment and reporting arrangements Year 1 phonics screening check” published by the Secretary of State under article 9 of the 2004 Order;”.

(3) In regulation 5 (provision of information about first key stage assessment results to local authorities)—

(a) regulation 5 shall stand as paragraph (1) of regulation 5;

(a) 1996 c. 56. Section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and is amended by S.I. 2010/1158. See section 579 for definitions of “prescribed” and “regulations”.

(b) S.I. 2007/2324, to which there are amendments not relevant to these Regulations.

(c) S.I. 2004/2783, amended by S.I. 2010/677, 2010/1172, 2011/2392 and 2011/3057.

- (b) in paragraph (1) after “assessment referred to in” insert “paragraph 1 of”; and
- (c) after paragraph (1) insert—

“(2) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils to whom article 5A(2) of 2004 Order applies must each year, by the end of that term, provide to the authority the information relating to assessment referred to in paragraph 2 of Schedule 1.”.

- (4) In Part 4, before regulation 13 insert—

“Provision of information about first key stage assessment results to the National Data Collection Agency

12A. If so requested by the National Data Collection Agency, the governing body of every maintained school and the proprietor of every Academy which has registered pupils to whom article 5A of 2004 Order applies must each year, within one week beginning with the date on which all such pupils have completed the assessment under article 5A of the 2004 Order, provide to that Agency the information relating to assessment specified in Part A1 of Schedule 8.”.

- (5) After paragraph 1(2) of Schedule 1 (provision of information to local authorities) insert—

“**2.**—(1) In respect of each registered pupil to whom article 5A(2) of 2004 Order applies, the pupil’s gender, date of birth and surname followed by the first name, or if more than one, each first name.

(2) In respect of each such pupil, the information required by the Phonics Document.”.

- (6) Before Part 1 of Schedule 8 insert—

“PART A1

1.—(1) In respect of each registered pupil to whom article 5A of the 2004 Order applies, the pupil’s unique pupil number, gender, date of birth and surname followed by the first name, or if more than one, each first name.

(2) In respect of each such pupil, the following information, in respect of each word shown to the pupil in the assessment—

- (a) whether the pupil attempted to read the word, and
- (b) if so, whether the pupil read the word correctly or incorrectly.

(3) In this paragraph, “unique pupil number” means a combination of numbers which, together with a letter or letters, are allocated to a pupil by use of a formula determined by the Department for Education and are particular to that pupil.”.

14th May 2012

Nick Gibb
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Performance Information) (England) Regulations 2007 (“the 2007 Regulations”) to require maintained schools to provide information in relation to pupils in Key Stage 1.

The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (S.I. 2004/2783) (“the 2004 Order”) was amended by the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) (Amendment) Order 2011 (S.I. 2011/3057) to include provisions about an assessment of pupils aged six which assesses the extent to which such pupils understand the correspondence between graphemes and phonemes in the English language (see article 5A of the 2004 Order). Phonemes are the smallest units of sound in a language, and graphemes are the letter or letters that represent phonemes. The provisions require an assessment to be conducted on any pupil in the school year in which the pupil turns six. Provision is also made for pupils who do not reach the minimum score in the year in which they are first assessed to undergo the assessment again, in the following school year. These Regulations amend the 2007 Regulations so as to require schools to provide information about the results of such assessments and they refer to pupils required to be assessed as “pupils to whom article 5A of the 2004 Order applies”.

Regulation 2(2) amends the definition of “the Document” and inserts a new definition of “the Phonics Document”. Regulation 2(3) amends regulation 5 of the 2007 Regulations so as to require maintained schools that have registered pupils to whom article 5A of the 2004 Order applies to provide to local authorities the information in paragraph 2 of Schedule 1 to the Regulations. Regulation 2(5) amends Schedule 1 to the Regulations to add a new paragraph 2 which sets out the information that must be provided to local authorities in relation to the pupils to whom article 5A of the 2004 Order applies. The information that must be provided is set out in the Phonics Document.

Regulation 2(4) inserts new regulation 12A which requires maintained schools and Academies that have registered pupils to whom article 5A of the 2004 Order applies to provide to the National Data Collection Agency the information in Part A1 of Schedule 8 to the Regulations. This obligation arises only if a request for information is made by the National Data Collection Service. Regulation 2(6) amends Schedule 8 to insert a new Part A1 which sets out the information that must be provided to the National Data Collection Service (if so requested) in relation to the pupils to whom article 5A of the 2004 Order applies. The information relates to the words that are shown to pupils in the assessment and, in relation to each pupil, whether the pupil attempted to read the word and, if so, whether it was read correctly or incorrectly.

An impact assessment has not been produced for this instrument as it has no impact on businesses or civil society organisations. The instrument has a minimal impact on the public sector.

STATUTORY INSTRUMENTS

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